

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

IN RE: SHALE OIL ANTITRUST LITIGATION

*This Document Relates To All Actions*

Case No. 1:24-md-03119-MLG-LF

MDL No. 3119

ORAL ARGUMENT REQUESTED

**DEFENDANT PERMIAN RESOURCES CORPORATION'S REQUEST FOR JUDICIAL  
NOTICE OF PUBLICLY AVAILABLE SEC FILING IN SUPPORT OF ITS MOTION  
TO DISMISS PLAINTIFFS' CONSOLIDATED CLASS ACTION COMPLAINT**

Pursuant to Federal Rule of Evidence 201, Defendant Permian Resources Corporation (“PR”) respectfully requests that this Court take judicial notice of Exhibit A attached to the Declaration of Michael W. Scarborough submitted herewith. Exhibit A is an excerpt of PR’s 2023 Securities and Exchange Commission Form 10-K (“the 10-K”), and is submitted in support of PR’s concurrently-filed Motion to Dismiss Plaintiffs’ Consolidated Class Action Complaint. The 10-K was publicly filed with the Securities and Exchange Commission on February 29, 2024, and has been publicly available via EDGAR, the SEC’s online filing system, since that date.<sup>1</sup> PR also produced the 10-K in full to Plaintiffs’ as part of its initial disclosures, with the Bates-stamp PR-Shale-0000000852-1029. A court may consider materials subject to judicial notice such as the 10-K without converting a motion to dismiss into a motion for summary judgment. *See Johnson v. Spencer*, 950 F.3d 680, 705 (10th Cir. 2020).

Courts in this circuit often “take judicial notice of factual information found on the world wide web,” so long as that information is not subject to reasonable dispute. *See O’Toole v. Northrop Grumman Corp.*, 499 F.3d 1218, 1225 (10th Cir. 2007) (taking judicial notice of publicly available earnings information on Northrop Grumman’s website); *New Mexico ex rel. Balderas v. Google, LLC*, 489 F. Supp. 3d 1254, 1257 (D.N.M. 2020) (taking judicial notice of publicly available documents on Google’s website). Courts in this circuit also regularly take judicial notice of SEC filings on the basis that they are “matters of public record not subject to reasonable dispute.” *Hastey on behalf of YRC Worldwide, Inc. v. Welch*, 449 F. Supp. 3d 1053, 1060 (D. Kan. 2020); *see also S.E.C. v. Goldstone*, 952 F. Supp. 2d 1060, 1217 (D.N.M. 2013) (taking judicial

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<sup>1</sup> PR’s 2023 Form 10-K can be found in full at: <https://www.sec.gov/Archives/edgar/data/1658566/000165856624000018/0001658566-24-000018-index.htm>.

notice of an SEC Form 10-K).

For the foregoing reasons, PR respectfully requests that the Court take judicial notice of Exhibit A to the Declaration of Michael W. Scarborough submitted herewith.

Dated: February 24, 2025

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2025, a copy of the foregoing document was electronically filed through the Court's CM/ECF system and will be sent electronically to all persons identified on the Notice of Electronic Filing.

/s/ Michael W. Scarborough  
Michael W. Scarborough